



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty First day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4282 of 2019

M.SELVAM @ SELVARAJ

... PETITIONER / ACCUSED NO.4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.59 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.I.PINAYGASH, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

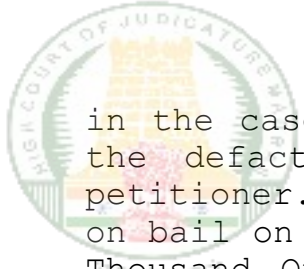
The petitioner who was arrested on 06.03.2019 for the offences under Sections 294(b), 427, 506(ii) of IPC and Section 3 of TNPPDL Act , in Cr.No.59 of 2019, on the file of the respondent police, seeks bail.

2. The petitioner herein is A4. The case of the prosecution is that the petitioner along with other accused damaged the compound wall of the defacto complainant, worth about Rs. 80,000/- .Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution , infact the petitioner is the JCB driver. He would submit that as requested by the Accused 1 to 4 he drove the vehicle and damaged the compound wall.

4.The learned Government Advocate(Crl.Side) appearing for respondent would submit that the petitioner along with other accused damaged the compound wall of the defacto complainant, worth about Rs. 80,000/-

5.Considering the nature of the case and considering the period of incarceration and also considering the fact that other accused



in the case has come forward to pay Rs.50,000/- as compensation to the defacto complainant, I am inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

21/03/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.III, TIRUENLVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUENLVELI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI, TIRUENLVELI DISTRICT.
4. THE INSPECTOR OF POLICE
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.I.PINAYGASH, Advocate SR.No.5358

ORDER IN

CRL OP(MD) No.4282 of 2019

Date : 21/03/2019